

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 15, 1953. Default decree of condemnation and destruction.

20738. Adulteration of frozen crabmeat. U. S. v. 4 Cases * * *. (F. D. C. No. 34987. Sample No. 69218-L.)

LIBEL FILED: April 10, 1953, District of Colorado.

ALLEGED SHIPMENT: On or about March 10, 1953, from Seattle, Wash.

PRODUCT: 4 cases, each containing 6 5-pound cans, of frozen crabmeat at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 2, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

20739. Adulteration of frozen crabmeat. U. S. v. 14 Cans * * *. (F. D. C. No. 34986. Sample No. 69217-L.)

LIBEL FILED: April 10, 1953, District of Colorado.

ALLEGED SHIPMENT: On or about March 13, 1953, from Seattle, Washington.

PRODUCT: 14 5-pound cans of frozen crabmeat at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 2, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

FRUITS AND VEGETABLES

DRIED FRUIT

20740. Adulteration of prunes. U. S. v. 175 Cases * * *. (F. D. C. No. 35005. Sample No. 4643-L.)

LIBEL FILED: April 22, 1953, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about February 25, 1947, from San Jose, Calif.

PRODUCT: 175 cases, each containing 24 2-pound packages, of prunes at Welch, W. Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested prunes, and of a decomposed substance by reason of the presence of fermented prunes. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 12, 1953. Default decree of condemnation and destruction.

20741. Adulteration of dried black raspberries. U. S. v. 239 Cartons * * *. (F. D. C. No. 33082. Sample No. 4669-L.)

LIBEL FILED: April 21, 1952, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 5 and November 1, 1951, by I. N. Croucher & Son, from Canandaigua, N. Y.

PRODUCT: 239 25-pound cartons of dried black raspberries at Huntington, W. Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: January 15, 1954. I. N. Croucher & Son having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Department of Health, Education, and Welfare. As a result of the reprocessing operations, 1,734 pounds of the product were found unfit and were destroyed.

JAMS, JELLIES, AND PRESERVES

20742. Adulteration and misbranding of apricot jam. U. S. v. 66,948 Jars * * *.
(F. D. C. No. 32908. Sample No. 35737-L.)

LIBEL FILED: March 24, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 10, 1951, by the Fruitcrest Corp., from Brooklyn, N. Y.

PRODUCT: 66,948 jars of apricot jam at Columbus, Ohio.

LABEL, IN PART: (Jar) "Fruitcrest Pure Apricot Jam Contents 2 Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit had been substituted for apricot jam.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apricot jam since the article was made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients.

DISPOSITION: The Fruitcrest Corp. filed a motion in which it alleged that it was the manufacturer of the product and that title to its product was in its vendee, the United States Government, and in which it requested permission to intervene for the sole purpose of litigating the alleged violation of the Act. The Government filed a brief in opposition to the motion, and, on December 31, 1952, after consideration of the matter, the court ruled that the motion should be sustained. The Fruitcrest Corp. then filed an answer denying that the product was adulterated and misbranded when introduced into interstate commerce. Thereafter, the Government filed a set of written interrogatories upon the corporation, after which the corporation filed a motion to strike the interrogatories. The court overruled the motion on September 4, 1953. Answers to the interrogatories were filed by the corporation on October 20, 1953.

On March 1, 1954, the Fruitcrest Corp. having consented to the entry of a decree without admitting the allegations of adulteration and misbranding contained in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.